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FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2779
INFO RUCNRAQ/IRAQ COLLECTIVE PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 001076

SIPDIS

E.O. 12958: DECL: 04/21/2019

TAGS: [PGOV](#) [PINS](#) [IZ](#)

SUBJECT: UNAMI GETTING SOME TRACTION ON ARAB-KURD DISPUTE

REF: BAGHDAD 1054 AND PREVIOUS

Classified By: PMIN Robert Ford. Reasons 1.4 (b) and (d)

¶1. (C) Summary: UNAMI SRSG deMistura is satisfied so far with the level of buy-in he is getting from Kurdish Region President Barzani and Iraqi Prime Minister Maliki for the launch of a political dialog aimed at eventually resolving the disputed internal boundaries issue. On April 17 deMistura outlined to Barzani in Erbil the thrust of the reports and how he hoped to proceed, including the stand-up in June 2009 of a small negotiating "task force" composed of small teams from the Iraqi Government and the Kurdish Region Government to discuss drawing lines on the map. Knowing that Barzani would insist on applying Article 140, deMistura emphasized that the UNAMI proposal would culminate in a "confirming" referendum that would ratify the politically agreed internal boundaries. Barzani probed on the UNAMI proposals regarding Kirkuk, evinced no enthusiasm for them but pledged the Kurdish side would study the UNAMI reports when they receives it on April 22. The Prime Minister told deMistura on April 19 that he too was supportive of a political process along the lines deMistura was describing. The UN diplomat is encouraged by progress in this very early stage, although he anticipates sharp criticism once the Kurds and the Maliki team examine the reports in detail and find that their maximalist positions have no overt support. He will look to the U.S. for continued visible support for his effort. End Summary.

International Community Now Engaged, Says UNAMI

¶2. (C) UN SRSG deMistura, accompanied by the Czech ambassador (representing the EU), the UK Ambassador and U.S. Embassy PMIN, told KRG President Barzani that given the growing tension in northern Iraq it was more important than ever to find a means to resolve the disputed internal borders (DIBs) issue politically. The Prime Minister, he said, wants a dialog with the Kurds, and, grasping the arms of the American and EU embassy representatives seated next to him, he assured Barzani international community is ready to support an agreement that encompasses borders, security and ultimately that provides more stability for Iraq.

UNAMI's Guiding Principles for Negotiations

¶3. (C) DeMistura told Barzani that he would receive the DIBs reports on April 22 and that the Kurdish leadership should examine the 502 pages for factual accuracy. DeMistura highlighted that the reports are not prescriptive; they do not say that, for example, Sinjar is Kurdish territory. Instead, they will highlight the reasons which give the Kurds strong reasons to claim Sinjar as Kurdish. The international community and the UN, deMistura cautioned, will not draw the internal borders. Instead, those borders must be negotiated. DeMistura also stressed that the UN team remained bound by four principles in its DIBs analysis: (a) the Iraqi constitution is the starting point for resolving the problem; (b) Article 140 of the constitution must be

respected, and this means there needs to be a census and referendums; (c) the arrangements to resolve the DIBs issue are transitional - they might last a year or five years or ten and (d) there needs to be a concrete follow-up mechanism, like a task-force to begin negotiating the borders.

DeMistura added that international recognition of the internal boundaries delineating Iraqi Kurdistan would be a huge gain for the Kurdish Region, but he warned that the international community's attention would not stay focused forever on the problem. He urged Barzani to accept entering into a political process that would start by June 2009.

A Task Force to Implement Article 140

¶4. (C) Barzani thanked deMistura and said he was pleased to see the international community as represented with deMistura "finally" trying to address the DIBs issue. Barzani emphasized that he was ready for a political process, but he underlined that the Kurds were prepared to "protect" their rights. The political process, he also stressed, had to follow constitutional procedures and apply Article 140.

¶5. (C) DeMistura agreed that Article 140 was valid but said that it could only be implemented as a result of a political negotiation. The article requires normalization, a census and ultimately a referendum. DeMistura said the referendum should be a "confirming" vote that allows people to express their opinions after a political negotiation has cleared the way. The task force he was suggesting would draw the boundary lines in each disputed area and there would be a referendum to confirm the lines drawn. DeMistura added that

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the task force needed to be small and on the Kurdish side composed of people who enjoyed Barzani's full confidence. The other side, he said, should come from the Iraqi Government in Baghdad, but again it had to be small - ideally only two persons per side.

¶6. (C) Barzani said he "definitely" would agree in principle to sit in discussions with the Iraqi government. (He was relieved that he would not have to negotiate with tribes like the Jaburs and Ubeids, he commented.) Barzani cautioned that he wanted to see the details of the contents of the DIBs reports and what deMistura was proposing.

Kirkuk and Options

¶7. (C) Peter Bartu from the UNAMI team told the Kurds that the UNAMI had studied the royal decrees, revolutionary decrees and revolution command council decrees as well as census data back to 1957 in developing the contents of the reports. The reports also detailed the current security situation in each disputed area, including who was now responsible for security. The reports also considered the administrative and economic development of the areas. The data often point in one direction in terms of who should control the disputed territory in question.

¶8. (C) Barzani bored into the Kirkuk aspects of the report. Sean Kane from the UNAMI team said that UNAMI would suggest four options:

- apply Article 140's elections quickly after clarifying the details of how the referendum would be conducted and securing a political agreement on those details;
- fix Kirkuk's status as a governorate which would require a constitutional amendment that the Kurds would be in a position to veto;
- fix Kirkuk's status as an independent region without administrative links to Baghdad or Erbil;
- allow for administrative links to both Baghdad and Erbil (deMistura referred to the final outcome of the northern

Ireland talks).

Barzani Cautiously Accepts UNAMI Proposal

¶9. (C) Barzani said that his side would need to study the UNAMI texts but he commented that the process envisaged under Article 140 was clear already. DeMistura said that Barzani understood that there was no political consensus on how to implement the constitution and Article 140. Barzani could not impose his point of view and neither could the Kurds' opponents impose their view. There would have to be negotiations and Article 140 inserted, deMistura said, into that process. Barzani commented that "Arab chauvinists" had long oppressed the Kurds and would never make a fair deal. Now, he noted, they are weak and they could not start a war. (He implied that the Kurds, by contrast, are militarily stronger and can hold onto what they have.) DeMistura cautioned Barzani that the Kurds could keep international support only by following a political process consistent with the constitution and Article 140. He also noted that were Arab hardliners to refuse to join in a political process they would lose credibility with the international community. Barzani again agreed to participate if the UNAMI negotiating mechanism was between the Iraqi Government and the Kurdish Region Government.

Comment: Much More Diplomacy, and

Need for Continued USG Support

¶10. (C) MNF-I Commanding General Odierno met Barzani on April 18, the day after deMistura's visit, and Barzani told him that he had found the deMistura meeting useful and the UNAMI proposals of real interest. Barzani was in surprisingly relaxed mood and noted repeated how impressed he had been at the nature of the delegation, with the Qhad been at the nature of the delegation, with the UNAMI-facilitated process receiving the full backing of the international community. He said there would be no progress if matters were simply left up to KRG and the GOI. While reserving judgment until he has seen the details, Barzani said the UNAMI reports are positive as they will serve as a basis for negotiation and all options are "painted" by Article 140. He was also positive about the Task Force to be established to take forward implementation and intends to approach it with a united Kurdish position. GEN Odierno told Barzani that he understood there will be difficult tactical decisions to make but urged him to consider the bigger strategic picture and the opportunity for the Kurds to gain international recognition of the territory of the KRG.

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¶11. (C) DeMistura meanwhile briefed the Prime Minister on April 19 about this Erbil meeting and found Maliki willing to pursue a UNAMI-sponsored dialog process. Maliki was firm, however, that the Kurdish peshmerga could not stay south of the 2003 delineated Green Line, and he would not accept that the Kurds occupy disputed territories by force. Maliki, like Barzani, awaits his team receiving the actual DIBs reports on April 22 so that they can review them for factual accuracy. The discussions are still at their most general level, and neither side has seen the contents of the reports. PM Maliki told deMistura on April 19 that he was grateful to him for going to Irbil; that he is appreciative of the international support to this process; and pledged the highest level of commitment from his side. However, the challenge for PM Maliki will be to bring to the table people who can represent the Sunni Arab community in these negotiations.

¶12. (C) DeMistura anticipates the reports will please neither side, and as Barzani and Maliki maneuver, DeMistura anticipates some sharp criticism from the Kurds and perhaps also from the Prime Minister. DeMistura will want our

visible support, as we provided by joining the April 19 meeting in Kurdistan. The UNAMI SRSG's main goal now is to corner both men into agreeing to a small negotiating group starting to meet in June - while Barzani and Maliki may have doubts about what can be accomplished (or even harbor some thought of undermining negotiations and pursuing unilateral moves), deMistura is satisfied so far with the level of buy-in buy-in he is getting from the two key Iraqi leaders. It is clear that US support for this UNAMI-facilitated process is critical in building confidence in the way ahead and securing the commitment of both GOI and KRG. End Comment.

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